

Appl. No. 09/741,718

### REMARKS/ARGUMENTS

Applicant thanks the Examiner for her guidance during a telephonic interview on September 10, 2003, with the undersigned and Ms. Linda McMeekin, Reg. No. 50,428. During the interview we discussed a proposed amendment to Claim 1 and the amendment's effects on the application of Reeves. Finally, we also briefly discussed the status of Claims 31-33 and 36.

#### Status of Claims

Claims 1-36 were originally filed in the application to which the present case claims priority. Claims 1-22, 26-30, 34, and 35 stand rejected. Claims 23-25 are objected to, and Claims 31-33 and 36 are not discussed. As outlined above, Claims 1 and 27 have been amended. Claims 1-36 remain in this application.

The amended claims are fully supported in the specification as originally filed. In particular, the newly added language is disclosed at page 7, lines 22-27.

#### Abstract

Applicant has amended the Abstract to conform to the Specification and Claims.

#### Rejections – 35 U.S.C. § 112

Claims 1-19 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

The Office Action indicates, "Claims 1 and 27 recite the limitation 'having a bulk density within about 20% of the bulk density of a system formed of the absorbent material at its maximum volume capacity'. It is unclear what a system formed of the absorbent material at its maximum volume capacity."

Applicant has amended Claims 1 and 27 to conform the claims to the specification (Page 7, lines 22-27). Applicant believes that the presently pending claims clearly identify that which he regards as the invention. Reconsideration and withdrawal of this rejection are earnestly solicited.

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**Rejections – 35 U.S.C. § 102 (b)**

Claims 1, 4-6, 8, 13, 15, 16, 19, 26-30, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves et al. (4,278,088). Applicant respectfully traverses this rejection.

The present invention is directed to an absorbent article having a fluid-permeable bag and a plurality of tablets made from compressed, fibrous, absorbent material. The tablets are made from a mass of absorbent fibers compressed to a bulk density sufficient to provide a volume capacity of at least about 80% of the maximum volume capacity of the absorbent material. (Page 7, lines 20-27). The fibrous, absorbent material includes bondable fibers, bondable fiber blends, and/or fibers combined with binding agent. The absorbent articles of the present invention show a substantial increase in expansion when going from dry to wet.

The Office Action states that Reeves discloses an absorbent article, as shown in figure 1, comprising an overwrap 1 and absorbent material 2. The overwrap 1 is fluid-permeable, as disclosed in column 1, lines 55-57. The absorbent material 2 comprises a plurality of compressed, fibrous tablets, as disclosed in column 1, lines 53-55. The tablets inherently have a bulk density at within 20% of their maximum volume capacity, though Reeves remains silent as to the value of the bulk density.

Applicant points again to the discussion in his response of June 13, 2002 (Pages 4, ¶ 3 through Page 5 ¶ 4). The tampon of Reeves does not expand after insertion (column 1, lines 65-68). In contrast, Steiger discloses that above about 0.2 g/cm<sup>3</sup>, the total volume of the absorbent increases on wetting of the material. This increase is maintained until compression is sufficient to significantly damage the fibers and the absorbent volume capacity decreases (Steiger pp.447-448). Therefore, Applicant submits that Reeves fails to teach the present invention and that the rejection is improper. Therefore, Applicant requests that the present rejection be withdrawn.

Based on the discussion above, reconsideration and withdrawal of the rejection of Claims 1, 4-6, 8, 13, 15, 16, 19, 26-30, 34, and 35 are respectfully requested by the Applicant.

**Rejections – 35 U.S.C. § 103**

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves et al. (4,278,088) as applied to claim 1 above, and further in view of Foley et al. (5,817,077). Applicant respectfully traverses this rejection.

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As outlined above, Reeves fails to anticipate presently pending Claim 1. Foley does not add to the disclosure of Reeves to overcome this failure. Therefore, the combination of Reeves and Foley is ineffective to render the subject matter of Claim 14 obvious. For this reason alone, applicant respectfully requests this rejection be withdrawn.

Claims 20-22 are rejected under 35 U.S.C. 1 03(a) as being unpatentable over Gellert (4,475,911 ). Applicant respectfully traverses this rejection.

Again, as outlined above, Reeves fails to anticipate presently pending Claim 1. Gellert does not add to the disclosure of Reeves to overcome this failure. Therefore, the combination of Reeves and Gellert is ineffective to render the subject matter of Claims 20-22 obvious. For this reason, applicant respectfully requests this rejection be withdrawn.

**Allowable Subject Matter:**

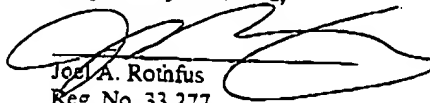
Claims 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 3, 7, 9-12, and 17 -18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Should the Examiner have any questions regarding this submission, please contact the undersigned.

Applicant respectfully requests a timely Notice of Allowance in this case.

Respectfully submitted,

  
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